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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

U.S. Trademark Registration Nos.: 2,554,110 and 2,554,111
Trademarks: EXP and EXP COATED

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)
GIBSON GUITAR CORP.)
309 Plus Park Blvd.)
Nashville, Tennessee 37217)
Petitioner,)
v.)
)
J. D'ADDARIO & CO., INC.)
595 Smith Street)
Farmingdale, New York 11735)
Registrant.)
-----X


03-04-2004
U.S. Patent & TMOtc/TM Mail Rcpt Dt. #78

Cancellation Nos. 92041175
and 92041688 (Consolidated)

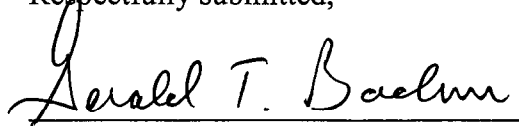
NOTICE OF TESTIMONY DEPOSITION OF DAVE BERRYMAN
PURSUANT TO 37 CFR § 2.123

Registrant, D'Addario & Co., Inc. ("D'Addario"), gives notice to Petitioner, Gibson Guitar Corp. ("Gibson"), that it will take the deposition of Dave Berryman for trial testimony in *inter partes* proceeding pursuant to 37 CFR § 2.123 on Monday, March 15, 2004 beginning at 9:30 a.m. at Wadley & Patterson, 414 Union Street, Suite 2020, Nashville, TN 37219. The deposition will be transcribed by a court reporter. Petitioner will be given the opportunity to cross exam the witness, Mr. Berryman, 309 Plus Park, Nashville, TN 37217. The deposition will be used in both cancellation proceedings referenced above, which have been consolidated.

The Commissioner is hereby authorized to charge any fees or credit any overpayment

relating to this Notice to Deposit Account 502335. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gerald T. Bodner", written over a horizontal line.

Dated: March 4, 2004

Gerald T. Bodner
Bodner & O'Rourke, LLP
425 Broadhollow Road, Suite 108
Melville, New York 11747
Telephone: 631-249-7500
Facsimile: 631-249-4508
Attorneys for Registrant
J. D'Addario & Co., Inc.

CERTIFICATE OF SERVICE

MARK: EXP and EXP COATED

REGISTRATION NO.: 2,554,110 and 2,554,111

CANCELLATION NO.: 92041175 and 92041688 (Consolidated)

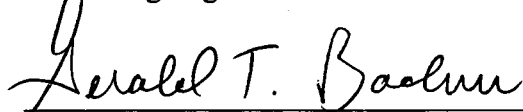
**NAME OF PARTY
SERVING PAPERS:** Gerald T. Bodner on behalf of Registrant,
J. D'Addario & Co., Inc.

TYPE OF PAPERS: NOTICE OF TESTIMONY DEPOSITION OF DAVE
BERRYMAN PURSUANT TO 37 CFR § 2.123

I, Gerald T. Bodner, an attorney, hereby certify that the above-identified document is being hand delivered to: Edward D. Lanquist, Jr., Esq., WADDEY & PATTERSON, 414 Union Street, Suite 2020, Nations Bank Plaza, Nashville, Tennessee 37219 on March 4, 2004.

Gerald T. Bodner

Person Signing Certificate



Signature

March 4, 2004

Date of Signature

CERTIFICATE OF EXPRESS MAIL

MARK: EXP and EXP COATED

REGISTRATION NO.: 2,554,110 and 2,554,111

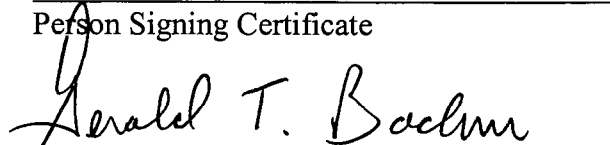
CANCELLATION NO.: 92041175 and 92041688 (Consolidated)

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SERVING PAPERS:** Gerald T. Bodner on behalf of Registrant,
J. D'Addario & Co., Inc.

TYPE OF PAPERS: NOTICE OF TESTIMONY DEPOSITION OF DAVE
BERRYMAN PURSUANT TO 37 CFR § 2.123

I, Gerald T. Bodner, an attorney, hereby certify that the above-identified document is being forwarded to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on March 4, 2004, via Express Mail, Post Office to Addressee, Express Mail No. ER093242761US.

Gerald T. Bodner
Person Signing Certificate


Signature

March 4, 2004
Date of Signature